

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Docket no. 2:19-cr-00030-GZS
MICHAEL LIBERTY, et al.,)	
)	
)	
Defendants.)	
)	

TRIAL SCHEDULING ORDER & REPORT OF CONFERENCE

On February 26, 2020, the Court held a status conference in this matter. Attorneys Alfred Frawley, Jay McCloskey, and Thimi Mina appeared for Defendant Liberty. Attorney Bruce Merrill appeared for Defendant Hess. Assistant United States Attorneys Donald Clark, Michelle Pascucci, and Matthew Sullivan appeared for the Government.

After conferring with counsel, the Court took multiple pretrial motions (ECF Nos. 94, 96, 98, 99, 101, 108) under advisement with all counsel agreeing that no further briefing or argument on those motions was necessary. Defendants requested the opportunity to file reply briefs on their Motion for Bill of Particulars (ECF No. 110) and Motion for Discovery (ECF No. 111). The Government similarly requested the opportunity to file a reply brief on its Renewed Motion Regarding Advice of Counsel Defense (ECF No. 120). Replies on all three motions are due by March 4, 2020.

At the conference, the Court indicated that it would grant Defendants' Joint Motion to Continue Trial previously scheduled for May 2020 (ECF No. 112). As a result, the Court has already entered the Speedy Trial Order (ECF No. 133). All counsel agreed that this case will

require approximately five weeks of trial time. The Government estimated that presentation of its case-in-chief with anticipated cross-examination will take three weeks. Defendants estimated they would need an additional two weeks to present their defense. The Court discussed available calendar options starting in October 2020. After conferring with all counsel, counsel indicated a preference for commencing trial in October 2020. As a result, the Court has adjusted its scheduling of other matters and now sets the following firm trial schedule and trial-related deadlines:

Requested Voir Dire:	September 21, 2020
Any Additional Motions in Limine & Trial Briefs (not to exceed 25 pages):	September 23, 2020
Responses to any motions in limine:	October 1, 2020¹
Requested Jury Instructions:	October 2, 2020
Jury Selection:	October 5, 2020 before Magistrate Judge Nivison²
Trial Start:	October 13, 2020
Days Reserved for Trial:	October 13-16, 19-23 & 29-30³; November 2-6, 9-10, 12-13 & 16-20

By **no later than October 6, 2020**, counsel shall present to the Court a joint plan to allot the reserved trial time or notify the Court that they have been unable to reach an agreement. In the absence of an agreement, the Court will develop its own plan to allot and track the reserved trial

¹ No replies are contemplated but counsel are free to seek leave to reply upon receipt of the response.

² All counsel consented to jury selection before the Magistrate Judge at the conference. Counsel shall file a written notice of this consent by no later than September 21, 2020.

³ As discussed at the conference, the Court may cancel trial on October 29-30 if it appears that the case is on track to be completed by November 20 without hearing further presentation of evidence on these two days. However, for planning purposes, counsel shall reserve these two days and advise their witnesses to be available on these two days.

time prior to the commencement of trial. Each trial day will run from 8:30 AM until approximately 3:00 PM with two fifteen-minute breaks at approximately 10:30 AM and 12:30 PM. The Court may extend the length of any trial day to complete a particular witness, or to ensure that the trial is completed by November 20, 2020.

Counsel are encouraged to confer with opposing counsel, the Clerk's Office, and the Court's I.T. Department to streamline the trial to the extent possible. If issues remain after conferring, counsel are encouraged to contact the Clerk's Office to request an additional trial management conference prior to October 9, 2020.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 27th day of February, 2020.